

# COMMISSION ON RACIAL AND ETHNIC FAIRNESS



November 2017  
Report to the Supreme Court of Missouri  
For The Period 2016-2017

**Supreme Court of Missouri  
Commission on Racial and Ethnic Fairness**

**November 2017 Report to the Supreme Court of Missouri for the Period 2016-2017**

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**Supreme Court of Missouri  
Commission on Racial and Ethnic Fairness**

**INTRODUCTORY STATEMENT FROM COMMISSION CHAIRS**

We are pleased to present the November 2017 Report of the Missouri Supreme Court's Commission on Racial and Ethnic Fairness for the period 2016-2017.

When the Missouri Supreme Court established the Commission in October 2015, then Chief Justice Patricia Breckenridge emphasized the formative purpose:

*We all need to do everything we can to ensure that every individual in every case in our system of justice is treated with respect and has his or her case adjudicated fairly and impartially according to the law. Until that is true in 100 percent of our courts, we cannot rest. Even a perception of justice denied anywhere should concern us all, no matter who or where we are.*

To fulfill this purpose, the Commission was ordered "to examine and review current practices and recommend measures to ensure fairness, impartiality, equal access and full participation for racial and ethnic minorities in the judicial process and in the practice of law."

Mindful of our mission and charge, the Commission has worked diligently gathering and analyzing data and information from many sources, holding meetings as a full Commission and in subcommittees, and hosting the National Consortium on Racial and Ethnic Fairness. During the past two years, we have issued three sets of recommendations and an interim report.

This 2017 report details the Commission's recommendations and accomplishments to date and provides a timeline of key events, including actions taken by the Supreme Court and the legislature, that have impacted racial and ethnic fairness in our judicial and legal systems. The report also sets out the Commission's plans and challenges going forward.

While we are encouraged by the progress made so far, particularly in regard to municipal courts, we recognize that there is still much to be done. The Commission will continue to work tirelessly to examine these issues in our judicial and legal systems and to propose viable solutions that will effect real change consistent with the goal of achieving racial and ethnic fairness in our courts. The Commission is grateful for the opportunity to serve the judiciary, the profession, and the public.

Respectfully submitted,  
Michael Middleton  
Lisa White Hardwick  
William Bay

## 2016-2019 Commissioners

The Commission on Racial and Ethnic Fairness selected Commissioners from across Missouri who represented various parts of the judicial system. Attorneys, judges, and court personnel have a voice in the process of creating systemic changes within the system to ensure racial and ethnic fairness for all Missourians. The following members currently comprise the Commission (hometown is in parenthesis):

### Liaisons

The Honorable George W. Draper, III, Supreme Court of Missouri (Jefferson City)  
Mr. Reuben A. Shelton, Monsanto Company (Ret.) (St. Louis)

### Co-Chairs

Michael A. Middleton, Interim President, Lincoln University (Jefferson City)  
The Honorable Lisa White Hardwick, Missouri Court of Appeals, Western District (Kansas City)  
Mr. William R. Bay, Thompson Coburn LLP (St. Louis)

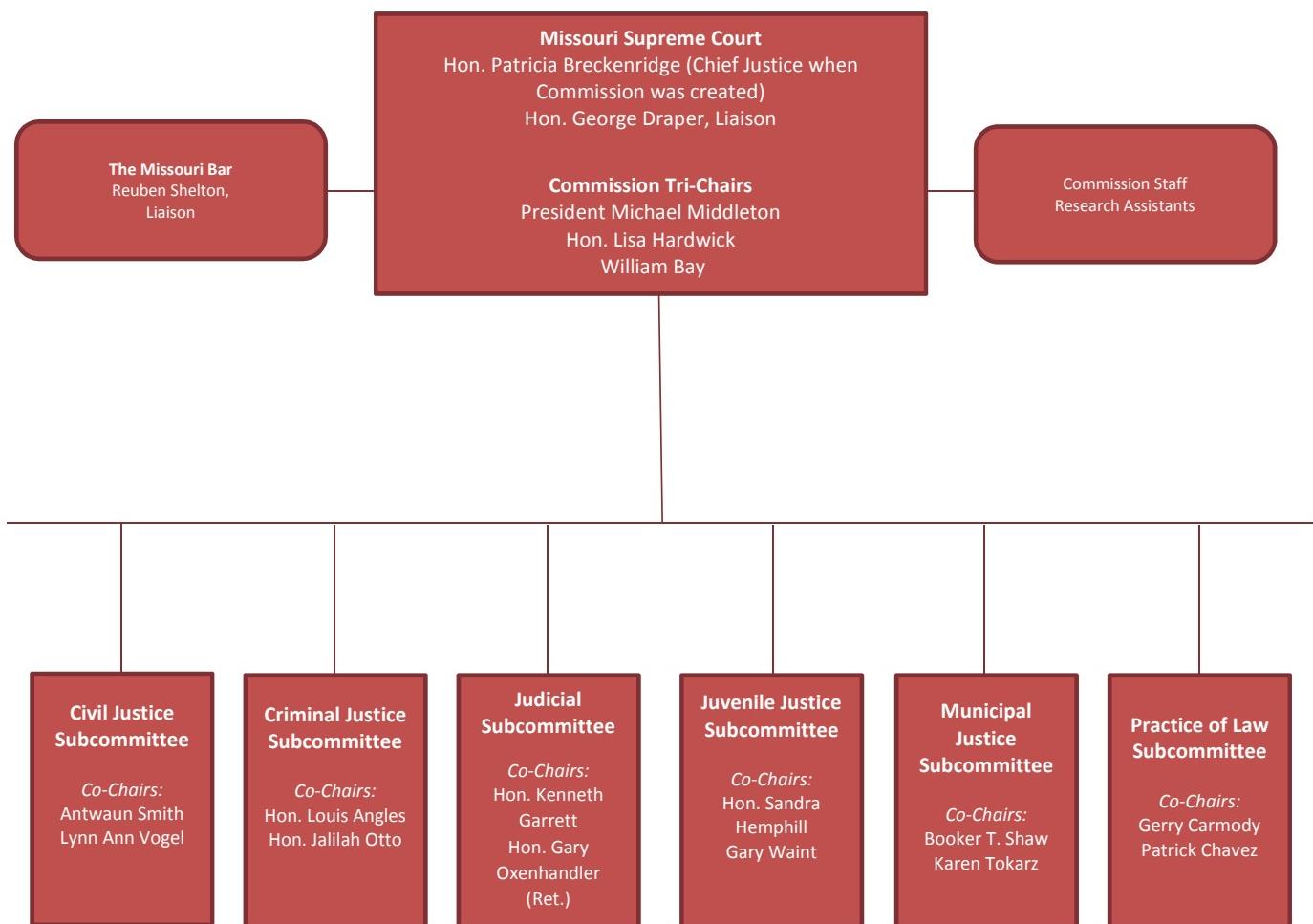
### Commissioners

<b>Professor David Achtenberg</b> (Kansas City) University of Missouri – Kansas City School of Law	<b>Professor Chuck Henson</b> (Columbia) University of Missouri - Columbia School of Law	<b>Allan Seidel</b> (Trenton) Seidel Havens and Dennis, LLP
<b>The Honorable Louis Angles</b> (Liberty) 7 <sup>th</sup> Judicial Circuit	<b>J.R. Hobbs</b> (Kansas City) Wyrsch Hobbs & Mirakian PC	<b>Booker T. Shaw</b> (St. Louis) Thompson Coburn LLP
<b>Salim Elias Awad</b> (St. Louis) Coulter Lambson, LLC	<b>Crista Hogan</b> (Springfield) Springfield Metropolitan Bar Association	<b>Annette Slack</b> (St. Louis) Missouri Baptist University/BJC Healthcare System
<b>Jean Peters Baker</b> (Kansas City) Jackson County Prosecuting Attorney	<b>Jolie Justus</b> (Kansas City) Shook, Hardy & Bacon	<b>Antwaun Smith</b> (Springfield) Smith Law Office
<b>Richard Bien</b> (Kansas City) Lathrop & Gage	<b>Col. Sandy Karsten</b> (Jefferson City) Missouri State Highway Patrol	<b>Randee Stemmons</b> (Mount Vernon) Stemmons Law Firm
<b>Susan E. Block</b> (St. Louis) Paule, Camazine & Blumenthal, P.C.	<b>The Honorable Kristine Kerr</b> (St. Louis) 21 <sup>st</sup> Judicial Circuit	<b>The Honorable Todd Thornhill</b> (Springfield) Springfield Municipal Court
<b>Winston Calvert</b> (St. Louis) Calvert Advocates LLC	<b>Levell D. Littleton</b> (St. Louis) Attorney at Law	<b>Professor Karen Tokarz</b> (St. Louis) Washington University School of Law
<b>Gerard Carmody</b> (St. Louis) Carmody MacDonald	<b>Annette Llewellyn</b> (St. Louis) Office of Missouri State Public Defender	<b>Willis L. Toney</b> (Kansas City) Toney Law Firm
<b>Patrick Chavez</b> (St. Louis) Edward Jones	<b>Professor Susan McGraugh</b> (St. Louis) Saint Louis University School of Law	<b>Lynn Ann Vogel</b> (St. Louis) Vogel Law Office
<b>Keith Cheung</b> (St. Louis) Curtis, Heinz, Garrett & O'Keefe	<b>Ron Nguyen</b> (Kansas City) Law Office of Ronald Nguyen, LLC	<b>Gary Waint</b> (Jefferson City) Office of State Courts Administrator (Ret.)
<b>Lajuana Counts</b> (Kansas City) U.S. Attorney's Office	<b>Professor Kimberly Norwood</b> (St. Louis) Washington University School of Law	<b>Michael L. Walton</b> (St. Louis) Law Office of Michael L. Walton, LLC
<b>The Honorable Charles Curless</b> (Lamar) Senior Associate Circuit Judge	<b>Professor Mary Kay O'Malley</b> (Kansas City) University of Missouri-Kansas City School of Law	<b>Kristen Williams</b> (Milan) Law Office of Kristen Williams, LLC
<b>Dana Tippin Cutler</b> (Kansas City) Tippin Law Firm	<b>The Honorable Jalilah Otto</b> (Kansas City) 16 <sup>th</sup> Judicial Circuit	<b>Michael A. Williams</b> (Kansas City) Williams Dirks Dameron LLC
<b>Gonzalo Fernandez</b> (St. Louis) Devereaux, Stokes, Noland, Fernandez & Leonard, P.C.	<b>The Honorable Gary Oxenhandler</b> (Columbia) 13 <sup>th</sup> Judicial Circuit (Ret.)	<b>Jacob Zimmerman</b> (Cape Girardeau) Zimmerman Law L
<b>Erica L. Freeman</b> (St. Louis) Bunzl Distribution	<b>Jennifer Placzek</b> (Springfield) Placzek, Winget & Placzek	
<b>The Honorable Kenneth Garrett</b> (Kansas City) 16 <sup>th</sup> Judicial Circuit	<b>The Honorable Nancy Rahmeyer</b> (Springfield) Missouri Court of Appeals, Southern Dist.	
<b>The Honorable Sandra Hemphill</b> (St. Louis) 21 <sup>st</sup> Judicial Circuit	<b>Professor Geetha Rao Sant</b> (St. Louis) Washington University School of Law	
<b>Luz Maria Henriquez</b> (St. Louis) Legal Services of Eastern Missouri	<b>The Honorable Marco Roldan</b> (Kansas City) 16 <sup>th</sup> Judicial Circuit	
	<b>Leonard Searcy</b> (Kansas City) Shook Hardy & Bacon	

## Commission on Racial and Ethnic Fairness Structure

CREF created its recommendations through the leadership of six subcommittees in the areas of Civil Justice, Criminal Justice, Judicial, Juvenile Justice, Municipal Justice and Practice of Law. The Subcommittees' work was enhanced by the examination of more than 500 pieces of related research and literature, advisement from national organizations working towards equity in courts, public feedback, and CREF-specific research commissioned from the University of Missouri's Truman School of Public Affairs.

Subcommittees were charged with research, data assessment, and deliberation of specific and actionable recommendations to increase racial and ethnic fairness in the Missouri judicial and legal systems. The initial framework was as follows:



**Supreme Court of Missouri**  
**Commission on Racial and Ethnic Fairness**

**NOVEMBER 2017 REPORT & RECOMMENDATIONS FOR THE PERIOD 2016-2017**

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**Executive Summary**

The Commission on Racial and Ethnic Fairness held its initial meeting on November 17, 2015. The entire Commission has met on four occasions in the last 20 months and its six subcommittees have had more than 30 in-person and telephone meetings. The Steering Committee has met in person or by telephone on 60 occasions. We have conducted six public listening sessions and have additional ones scheduled and planned. We have gathered and reviewed resources and articles from many sources. We have utilized consultants from the University of Missouri and worked closely with Office of State Court Administrator (OSCA) to obtain data and plan for additional data gathering. We have hosted the annual meeting of the National Consortium on Racial and Ethnic Fairness in St. Louis. We have made three sets of recommendations and one interim report. There has been much work done, but much remains to be done on our journey towards the goal of racial and ethnic fairness in the courts and in the profession.

Missouri was the 37<sup>th</sup> state to create a Racial and Ethnic Fairness Commission. A number of states have had commissions in existence for 15 to 20 years. We are fortunate to be able to build on the efforts of other states. They have been helpful in providing advice and resources, and have noted favorably what has been accomplished in Missouri in such a short time.

We have some advantages. We are blessed with a dedicated group of commissioners reflecting the racial and ethnic diversity of our state who hail from each region of Missouri. They have taken seriously the tasks entrusted to them by the Court and are focused on meaningful change for our state in the area of racial and ethnic fairness in the courts and the profession.

We are also thankful for the leadership of the Supreme Court. Former Chief Justice Patricia Breckenridge and Judge George Draper have been active participants in every meeting. The Court has participated and is united in its belief that Missourians must lead in this important area. A review of what they have done can leave little doubt about their commitment to racial and ethnic fairness in the courts of our state.

Each subcommittee within the Commission has been working diligently on multiple issues. One, the Municipal Justice subcommittee, merits special discussion. Prior to the creation of the Commission, the Supreme Court created a Municipal Working Group to tackle the assessment of municipal divisions. That group made 35 recommendations to the Supreme Court on March 1, 2016. Shortly thereafter, the Court adopted many of these and created a Committee on Practices & Procedures in the Municipal Division to implement the recommendations adopted by the Court. Within the Chronology are links to those actions and a further report on what has been accomplished. The Municipal Justice subcommittee, under the leadership of Prof. Karen Tokarz and Booker Shaw, endeavored to complete its initial report to the Commission in June 2016 to aid the Committee on Practices and Procedures in the Municipal Divisions and to support municipal divisions reforms over the past 18 months.

Within this lengthy report are a number of resources which we hope will document the status of where we are and what has occurred within our judicial and legal systems in the last 30 months in the areas of racial and ethnic fairness. These include a chronology of actions and developments impacting racial and ethnic fairness in the courts since December 2014 with links to the supporting documentation (highlighted by theme and identifying who was responsible). We recognize this chronology does not and cannot include all events or documents that have been significant. We have endeavored to include those most directly impacting the courts.

This report also includes an overview of what action has been taken by the legislature and by the Supreme Court of Missouri, a review of our court system and data on the kinds of cases filed in Missouri, a summary of the changes in the municipal divisions in St. Louis County and the entire state, and data showing the growth and decline of municipal division filings in Missouri over the last 12 years.

While some statistics are included, much data still needs to be gathered to document racial and ethnic issues within the judicial system and profession. For example, Missouri like most states does not collect data on the racial and ethnic background of its judges and attorneys. Based on the Commission's recommendation, the Court is now collecting that data on a voluntary basis which should provide us accurate data as we measure whether our judiciary and profession reflect our society. This renewed focus on data and our continued collaboration with the Office of the State Court Administrator will drive the Commission's future work as it formulates recommendations and seeks results that are consistent with the goals of achieving racial and ethnic fairness in all our courts.

We provide these sections for review. Our goal is to provide further recommendations each year, data supporting those changes, and a report on progress in the area of racial and ethnic fairness in the courts.

Below are details of the significant accomplishments, progress, plans and challenges for the Commission. We have made a start, but it is only a start. We appreciate the support and active participation in this work by the Court, commissioners, members of the bar and judiciary, and the public.

### **National Consortium on Racial & Ethnic Fairness in the Courts**

#### **May 15-17, 2017**

The National Consortium on Racial & Ethnic Fairness in the Courts, which operates as part of the National Center for State Courts, held its annual meeting in St. Louis on May 15-17, 2017. This group of judges, attorneys, and court personnel from 30 states meets each year in a different city to examine problems and issues and share solutions and best practices in the area of racial and ethnic fairness in the courts.

The Missouri Commission took the laboring oar in designing each part of the program, organizing social events, arranging speakers, and procuring sponsorships. The Supreme Court of Missouri served as the host. Members of our Supreme Court, judiciary, bar and public attended. Programs included “Fines, Fees & Bails Practices: What Changes are Needed in Our Courts?”; “Measuring Progress to Move Forward Towards Equality”; “Hot Topics on Race and Ethnicity in the Jury Box – Cross Racial Witness Identification and Juror Language Disenfranchisement”; “Lights, Camera, Cops and Courts: Living in the Age of Body Cameras”; “Structural Racism”; and “Bias, Cultural Competence and the Court Process.” The official program is attached. Selected members of the Commission raised nearly \$100,000 in cash and in kind gifts from law firms, the Missouri Bar Foundation, and OSCA. According to the National Consortium, the meeting in Missouri was one of the best attended and featured issues and speakers that were well-received.

### **Public Engagement**

The Commission held four public meetings in February-March, 2017 seeking comments and input from members of the public: St. Louis, Springfield, Kansas City and Columbia. Despite wide dissemination of the notice through the media, attendance was not as robust as hoped for and the Commission has discussed different approaches to publicize its public hearings. The more recent community forums (seeking public comment on strategies that the Juvenile Justice

subcommittee can recommend to improve the Missouri juvenile justice system) were better attended. Additional hearings and forums are planned. It is anticipated that these will be held periodically throughout the state. Comments from these hearings and forums are contained in the Commission's minutes.

The Commission is also beginning the task of surveying appropriate audiences on specific practices. These are detailed in the Next Steps section.

## **Recommendations**

### **Recommendations adopted by the Commission on October 27, 2016.**

- Recommend mandatory training in cultural competency, diversity, inclusion and implicit bias for all court personnel and judges on an annual basis. Implicit bias training was recently held for municipal and appellate judges. Such training is also planned for circuit judges in the summer and at fall judicial colleges. This recommendation includes extension of training in these areas to all court personnel including juvenile officers, clerks, bailiffs, and employees of all circuit courts.
- Recommend that training in cultural competency, diversity, inclusion, and implicit bias for all attorneys be part of the mandatory CLE requirement. This recommendation will increase the ethics requirement to three hours every year or 20% of the annual CLE requirement. It will require at least one hour be in the area of cultural competency, diversity, inclusion and implicit bias. We suggest that as a practical matter, it would be preferable to have such programs be two hours in length. The proposal for the two rule changes (18.05(b) and 15.05(f)(2)) and one amended regulation (15.01(7)(c)) with redlines showing the changes are part of the recommendation.
- Recommend that all attorneys, court personnel, and judges be provided access to webinars that focus on cultural competency, diversity, inclusion and implicit bias training topics that can be accessed consistently in addition to live-training options. The purpose is to make training accessible and affordable.
- Recommend that a voluntary checkbox be added to the Attorney Enrollment Form that provides race and ethnicity information, similar to what was done with gender last year. We believe that data will allow us to assess the number of attorneys and judges in Missouri by race and ethnicity, and allow future focus on efforts to address any issues presented by the data. The proposal is to use the same categories that the American

Bar Association utilizes.

- Recommend that Missouri's judiciary participate in a survey to be conducted by the National Center for State Courts regarding the racial and ethnic demographics of judges and court staff.
- Recommend that Missouri host the 2017 National Consortium on Racial and Ethnic Fairness in Courts Conference in St. Louis. A separate committee of legal and community leaders will need to be created to organize the conference. It is envisioned that there will be some overlap of leaders between the Commission and the new committee.
- Recommend support of Missouri's participation in a pilot project to implement the Public Safety Assessment (PSA) tool developed by the Arnold Foundation and recommended by the National Center for State Courts. This assessment can assist the court in making evidence-based decisions about which defendants should be detained prior to trial and which can be safely released on grounds other than their ability to pay for bond. The PSA is currently being utilized in three states and helps accurately distinguish among the low, moderate, and high risk defendants, and identify those who are at an elevated risk for violence or risk of fleeing the jurisdiction. Policy manuals on best practices will be established. If the results are positive, expansion of the program to all Missouri courts should be considered.
- Recommend an examination of Missouri jury instructions, consistent with the Supreme Court of Missouri's recent adoption of changes to MAI 310.02 concerning eyewitness testimony. These newly adopted guidelines provide deeper clarification of the conditions expected for eyewitness testimony, including environmental conditions, eyesight of the witness, race/ethnicity of involved parties, presence of intoxication or altered state, etc. These guidelines apply to trial and to photographic and live lineups. They align closely with those in use by the U.S. Court of Appeals for the Eighth Circuit.
- Recommend support of Missouri's submission to the U.S. Department of Justice for a \$500,000 grant to make court automation improvements in Missouri. The goals of this project include increased opportunities for out-of-court resolution of minor traffic and ordinance violations, automated indigent assessment, and out-of-court dispositions that include community service or payment plans. It will also provide for text or other automated reminders of court dates and payment due dates.

- Recommend development of plans to implement recommendations within *Call To Action: Achieving Civil Justice for All – Recommendations to the Conference of Chief Justices by the Civil Justice Improvements Committee*. The recommendations call for resourcing and managing court cases consistent with case complexity to facilitate timely and efficient processing of cases. The recommendations also call for improving convenience to litigants and increasing the transparency of measurement data.
- Support the work of the National Center for State Courts' Task Force on Fines, Fees, and Bail Practices and its work groups addressing (1) Access to Justice and Fairness; (2) Transparency, Governance, and Structural Reforms; and (3) Accountability, Judicial Performance and Qualifications, and Oversight. When available, the reports of the Task Force and any model forms and best practices should be provided to appropriate Court committees, including this Commission, for evaluation as to applicability in Missouri.
- Support changes to the relationship of the appointing authority and the juvenile officer authorized by the Supreme Court in Court Operating Rule 14.01 which seeks to insure the Juvenile/Family Court Judge shall not exercise authority in a manner that interferes with the independent decision-making necessary for the juvenile officer to carry out the statutorily mandated and separated roles and responsibilities of the juvenile officer.
- Support the 35 recommendations of the Supreme Court Municipal Division Workgroup issued March 1, 2016 and the work of the Committee on Practice and Procedure in Municipal Division cases which is charged with implementation. These recommendations fall into nine categories as follows: (a) 2 recommendations in the area of conflict of interest; (b) 7 recommendations in the area of warrants, incarceration and bonds; (c) 1 recommendation in the area of enforceability of judgments; (d) 3 recommendations in the area of elimination of perverse financial incentives ; (e) 1 recommendation in the area of adequate supervision of municipal divisions in St. Louis County; (f) 4 recommendations in the area of elimination of unauthorized and unnecessary costs and fees; (g) 9 recommendations in the area of open and orderly proceedings and records; (h) 3 recommendations in the area of establishing separation of powers in judicial selection; and (i) 5 recommendations in the area of improvement of rules and procedures re trial de novo.

The Commission also supports two additional recent actions of the Supreme Court of Missouri: new changes to Rule 37.04 adopted by the Court on September 20, 2016 regarding "Supervision of Courts Hearing Ordinance Violations" and the proposed

Model Local Rule 69.01 entitled “Determining Indigent Status in Municipal Division Cases.”

- Recommends the following items: (a) the collection of ethnic and racial data in municipal divisions; (b) the developments of standards for the municipal divisions; (c) that presiding circuit judges regularly meet with and monitor the municipal divisions in their circuits to ensure compliance with state law and court rules; (d) the development and distribution of bench cards to all municipal judges outlining relevant state law and court rules; and (e) the development and distribution of appropriate information to notify defendants in municipal divisions of their rights and the alternative services available to them.

### **Recommendations adopted by the Commission on December 8, 2016 and submitted to the Court with this report**

- Supreme Court Operating Rule 28 should mandate training for court personnel to insure proper and consistent assessment of juveniles for entry into the court system.
- Consistent with ABA rules, expand professional misconduct to include representation of clients in the practice of law. Lawyers should not engage in harassment of anyone they come in contact with in practice. The rules relating to bias, prejudice and harassment for lawyers and judges be amended and updated. Specific language changes to rules 4-8.4, 2-2.3 and 4-1.16 with additional comments have been drafted.

### **Recommendations adopted by the Commission on April 3, 2017 and submitted to the Court with this report**

- OSCA set-up procedures to collect racial and ethnic data at all stages of the criminal justice process: plea, arrest, diversion, etc. The collection of this data will allow for the examination of any patterns of disparity in the different steps of case processing similar to the studies that have been conducted on juvenile system case processing using these data points.
- Review the collateral consequences of convictions in Missouri and support court rules and legislation that endeavor to ameliorate the impact of collateral consequences that do not serve legitimate public safety or regulatory functions.
- Provide training to judges on the new expungement practices in Section 610.140 that go into effect January 1, 2018.

## **Next Steps**

In addition to our Reports and Recommendations, we have provided a list of additional issues, recommendations and issues that the Commission is reviewing as it continues its work. The list covers numerous issues in six general areas.

We welcome further suggestions and input from all sources as to issues we should address. We continue to be focused on what changes can make our judicial system and profession free from racial and ethnic bias.

## **Commission Operating Issues**

As we move forward, there are a number of internal operating issues that merit discussion. Twenty months of experience have identified areas where we can improve. These include staffing, funding, and some reorganization within the Commission.

To date we have had the assistance of experts from the University of Missouri, as well as contract staff. This was made possible through generous funding of the Missouri Bar, the Missouri Bar Foundation, OSCA, and the Court. Because of the scope of the work, additional staffing and resources will be important to our ongoing work. We look forward to further discussions on these issues.

# COMMISSION ON RACIAL AND ETHNIC FAIRNESS: TIMELINE OF KEY EVENTS AFFECTING MISSOURI COURTS

DECEMBER 2014



## Access to Justice

December 23, 2014 – Supreme Court amends Rule 37.65 "Fines, Installments or Delayed Payments – Response to Nonpayment," effective July 1, 2015 mandating consideration of a municipal defendant's indigency.

[> LINK TO DOCUMENT](#)



## Municipal Court Reform

March 4, 2015 – U.S. Department of Justice issues report on the Investigation of the Ferguson Police Department, including discussion of the Ferguson Municipal Court.

[> LINK TO DOCUMENT](#)

## Municipal Court Reform

April 2015 – Supreme Court sends in experts from OSCA and NCSC to examine practices and procedures in Ferguson and other municipal divisions across the state.

Municipal Court Reform  
April 1, 2015 – Judge Richter establishes Uniform Fine Schedule for City of Ferguson, effective April 1, 2015.

Municipal Court Reform  
April 13, 2015 – Missouri Office of State Courts Administrator (OSCA) issues report about Ferguson municipal division.

[> LINK TO DOCUMENT](#)

Municipal Court Reform  
May 4, 2015 – National Center for State Courts (NCSC) evaluates Kansas City municipal division.

[> LINK TO DOCUMENT](#)

## Access to Justice

May 26, 2015 – MacArthur Safety and Justice Initiative grant is awarded to St. Louis County to create plan to reduce incarceration for nonviolent offenders and establish a county-wide community service program for defendants who are unable to pay.

## Municipal Court Reform

May 11, 2015 – OSCA and Interim Ferguson Municipal Judge Roy Richter report about Ferguson municipal division.

[> LINK TO DOCUMENT](#)



## Municipal Court Reform

May 14, 2015 – Supreme Court appoints Municipal Division Work Group to evaluate recommendations from multiple sources, including their legality, and prioritize the recommendations.

[> LINK TO DOCUMENT](#)

## Municipal Court Reform

June 19, 2015 – NCSC issues report on Ferguson municipal division.

[> LINK TO DOCUMENT](#)

## Juvenile Justice

July 31, 2015 – United States Department of Justice issues report on St. Louis County Juvenile Division.

[> LINK TO DOCUMENT](#)

## Municipal Court Reform

June 30, 2015 – Advisory Committee issues report and recommendations for municipal divisions and rules of professional responsibility.

[> LINK TO DOCUMENT](#)



Municipal Court Reform

Racial and Ethnic Fairness



Access to Justice

Juvenile Justice



Supreme court



Legislature



### Municipal Court Reform

August 2015 – SB5 goes into effect. The Supreme Court worked with the legislature on this legislation, which places a cap on fines and fees and requires municipal divisions to notify the Supreme Court of their existence, along with other requirements. Before the law, no list existed of municipal divisions or their judges and staff. Through the Court's required reporting, over 600 municipal divisions have been identified, with over 2,000 judges and staff. Approximately 400 of these divisions operate independently, while approximately 200 operate in conjunction with associate circuit divisions.

[› LINK TO DOCUMENT](#)



### Municipal Court Reform

August 15, 2015 – St. Louis County municipal judges, prosecutors, and court administrators meet, resulting in Fresh Start Initiative where judges in 81 municipalities in St. Louis County removed all pending driver license suspensions for failure to appear in court or pay for minor moving traffic violations, dismissed pending failure to appear cases for minor traffic violators, and recalled warrants for failure to appear on minor traffic violations.



### Municipal Court Reform

September 22, 2015 – Missouri Supreme Court issues letter to Municipal Divisions Work group outlining priorities.

[› LINK TO DOCUMENT](#)



### Racial and Ethnic Fairness

March 1, 2016 – Final report of Supreme Court Municipal Work Group is submitted.

[› LINK TO DOCUMENT](#)



### Municipal Court Reform

August 15, 2015 – St. Louis County municipal judges, prosecutors, and court administrators meet, resulting in Fresh Start Initiative where judges in 81 municipalities in St. Louis County removed all pending driver license suspensions for failure to appear in court or pay for minor moving traffic violations, dismissed pending failure to appear cases for minor traffic violators, and recalled warrants for failure to appear on minor traffic violations.



# COMMISSION ON RACIAL AND ETHNIC FAIRNESS: TIMELINE OF KEY EVENTS AFFECTING MISSOURI COURTS

MARCH 2016



## Juvenile Justice

**March 3, 2016** – Supreme Court revises Court Operating Rule 14.01 "Assignment of Judicial Personnel" (effective July 1, 2016) that mandates that any case in family or juvenile court in which a juvenile officer is a party is not heard by the judge who appointed that officer.

[› LINK TO DOCUMENT](#)

## Racial and Ethnic Fairness

**May - October 2016** – Implicit bias training for judges and court personnel on all levels, including OSCA and Supreme Court personnel.



## Municipal Court Reform

**May 31, 2016** – Supreme Court creates Committee on Practice and Procedures in the Municipal Division to implement the recommendations as ordered by the Court.

[› LINK TO DOCUMENT](#)



## Municipal Court Reform

**May 17, 2016** – Supreme Court establishes a Municipal Clerk Education Committee to develop and conduct educational activities for municipal division clerks and other personnel of the municipal division.

[› LINK TO DOCUMENT](#)



## Municipal Court Reform

**April 14, 2016** – Supreme Court approves new Court Operating Rules 21.06 and 21.07 governing municipal division debt collections to be effective July 1, 2016.

[› LINK TO DOCUMENT](#)



## Access to Justice

**August 2016** – Supreme Court approves a uniform model local court rule to determine indigency. The model rule simplifies the process of determining indigency in high-volume dockets and seeks information within the defendant's present knowledge to alleviate the need for continuances. Effective September 19, 2016 and corrected December 14, 2016.

[› LINK TO ORDER](#)

[› LINK TO CORRECTED ORDER](#)



## Municipal Court Reform

**August 2016** – SB 572 goes into effect. The law establishes certain regulations for penalties for municipal ordinance violations, including prohibiting a municipal court from assessing a fine greater than \$200 and allowing a court to waive court costs if the individual is deemed indigent or the case is dismissed.

[› LINK TO DOCUMENT](#)

## Racial and Ethnic Fairness

**June 4, 2016** – The Commission on Racial and Ethnic Fairness hold its second meeting of the entire commission.

## Municipal Court Reform

**September 2016** – Missouri receives a State Justice Institute Grant for Normandy Municipal Division Consolidation pilot project, to provide financial and technical support to aid the consolidation of the court operations of 9 municipalities in St. Louis County.



Municipal Court Reform



Access to Justice

Racial and Ethnic Fairness



Juvenile Justice



Supreme court



Legislature

## Access to Justice

September 2016 – OSCA receives a \$500,000 U.S. Department of Justice Price of Justice grant to assist in developing of software that will allow defendants to seek and obtain determinations of indigency and referral to community service in lieu of payment of fines and costs, without having to appear in court.



### Municipal Court Reform

September 2016 – Supreme Court orders the creation of web pages with uniform information about each municipal division on the Missouri Courts web site.

[› LINK TO DOCUMENT](#)



### Municipal Court Reform

October 2016 – Supreme Court amends code of judicial conduct to prohibit a judge from hearing any case where the multiple roles of the judge and attorneys creates a conflict of interest.

[› LINK TO ORDER](#)

[› LINK TO CODE OF CONDUCT](#)



### Access to Justice

November 2016 – "Track This Case" is launched and allows parties and the public to be notified electronically of activity in a particular case.



### Racial and Ethnic Fairness

October 2016 – Supreme Court amends the annual attorney enrollment form seeking voluntary racial and ethnic data on the profession.



### Municipal Court Reform

September 20, 2016 – Supreme Court adopts new 37.04 "Supervision of Courts Hearing Ordinance Violations" and adopts "Minimum Operating Standards for Municipal Divisions of Missouri Courts" with regular reporting of compliance in January and July of each year, beginning January 2017.

[› LINK TO DOCUMENT](#)

### Municipal Court Reform

October 2016 – Presiding Judge Doug Beach of the St. Louis County 21st Judicial Circuit establishes a new standing committee for Municipal Divisions including Municipal Judges, Municipal Court Administrators, and attorneys who practice before the Municipal Divisions.



### Municipal Court Reform

November 16, 2016 – Supreme Court approves the adoption of a Code of Conduct for Municipal Division Personnel, effective January 1, 2017.

[› LINK TO DOCUMENT](#)

NOVEMBER 2016

# COMMISSION ON RACIAL AND ETHNIC FAIRNESS: TIMELINE OF KEY EVENTS AFFECTING MISSOURI COURTS

DECEMBER 2016

## Juvenile Justice/Racial and Ethnic Fairness

December 14, 2016 – St. Louis County Family Court and the Department of Justice enter into a Memorandum of Agreement to ensure that the family court protects the constitutional rights of children throughout their court proceedings. The agreement also focuses on addressing racial disparities among youth in different stages of the juvenile justice process.



### Juvenile Justice

December 23, 2016 – Supreme Court adopts new comments to Juvenile Justice Standards Rule 110.01 which provide guidance and direction as to the legal mandates and ethical obligations for juvenile officers, and offer strategies for elevating practice and accountability in each juvenile office. Standards also mandates uniformity in practices.

[> LINK TO DOCUMENT](#)

## Racial and Ethnic Fairness

December 8, 2016 – Commission on Racial and Ethnic Fairness holds its third meeting of the entire commission.

## Municipal Court Reform

December 29, 2016 – Supreme Court establishes protocols for presiding circuit court judges to supervise the municipal divisions, which outline the sanctions for failure to comply – including reporting a judge to the Commission on Retirement, Removal and Discipline; transfer of cases to another municipal division; and cessation of court operations.

[> LINK TO ORDER](#)

[> LINK TO PROTOCOLS](#)

## Racial and Ethnic Fairness

February - March 2017 – Commission on Racial and Ethnic Fairness holds public feedback sessions in Columbia, Kansas City, St. Louis, and Springfield.



## Municipal Court Reform

March 2017 – Supreme Court authorizes the hiring of clerk and attorney monitors to monitor municipal divisions across the state.

## Municipal Court Reform

April 2017 – Feature added to "Track This Case" for text and/or email reminders of court and payment dates. Available to all who register.

## Racial and Ethnic Fairness

April 3, 2017 – Commission on Racial and Ethnic Fairness holds its fourth meeting of the entire commission



## Racial and Ethnic Fairness

May 15-17, 2017 – Supreme Court hosts 2017 National Consortium on Racial and Ethnic Fairness in the Courts Conference in St. Louis attended by representatives from court systems around the country, as well as local judges, attorneys and member of the public.

[> LINK TO DOCUMENT](#)



Municipal Court Reform



Access to Justice



Racial and Ethnic Fairness



Juvenile Justice



Supreme court



Legislature

### Juvenile Justice

**June 22, 2017** – First report of Independent Auditor regarding the agreement between the Department of Justice and the St. Louis City Family Court.

[› LINK TO DOCUMENT](#)

[› LINK TO PRESS RELEASE](#)



### Access to Justice

**June 28, 2017** – Supreme Court establishes the Commission on Civil Justice Reform to review the Conference of Chief Justices recommendations for civil justice reform to review all civil practices and procedures and to recommend measures to ensure the fair, affordable, and prompt resolution of civil disputes in the justice system and thereby enhancing public confidence in and meaningful access to the state court civil justice system.

[› LINK TO DOCUMENT](#)



### Municipal Court Reform/Access to Justice

**June 30, 2017** – Supreme Court approves a bench card for judges concerning “Lawful Enforcement of Legal Financial Obligations” detailing how courts and judges should deal with financial obligations of defendants.

[› LINK TO ORDER](#)

[› LINK TO BENCH CARD](#)

### Municipal Court Reform/Access to Justice

**June 2017** – St. Louis County 21st Judicial Circuit adopts new Local Court Rule 69 for all Municipal Divisions in St. Louis County incorporating all of the changes mandated by the State Legislature and the Supreme Court.

[› LINK TO DOCUMENT](#)

The 21st Judicial Circuit also uses funds received through the MacArthur Safety and Justice Initiative to establish a program to identify and release nonviolent offenders into established programs using outside contracted agencies to track those released into programs for mental health, job creation, and housing.

### Racial and Ethnic Fairness

**June - September 2017** – Commission on Racial and Ethnic Fairness holds public feedback sessions in St. Louis, Springfield and Kansas City on juvenile justice issues.

### Racial and Ethnic Fairness

**July 2017** – First phase of “Show-Me Courts” software is piloted throughout the state and St. Louis County with the goal of moving toward one case management system for all municipal divisions.

### Access to Justice/Racial and Ethnic Fairness

**June 30, 2017** – Supreme Court appoints a Task Force on Criminal Justice to ensure that Missouri criminal defendants are treated fairly and equitably, and to ensure that the determination and conditions of pretrial release are based on risks of failing to appear and dangerousness to crime victims, communities, or others, and not on race, gender, ethnicity, or economic conditions. The Task Force is charged with reviewing pretrial practices and making recommendations regarding private probation, the imposition and collection of fines, sentencing disputes, driver’s license suspensions, and other collateral consequences.

[› LINK TO DOCUMENT](#)



### Access to Justice

**January 1, 2018** – SB 588, 603 and 942 will go into effect. The law expands the opportunities for criminal litigants to seek petitions for expungement of their criminal records for a certain set of convictions.

[› LINK TO DOCUMENT](#)

# RELEVANT ACTIONS BY THE SUPREME COURT OF MISSOURI, 2014-2017

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Supreme Court amends Rule 37.65 "Fines, Installments or Delayed Payments – Response to Nonpayment," effective July 1, 2015 mandating consideration of a municipal defendant's indigency.

December 23, 2014

Supreme Court appoints Municipal Division Work Group to evaluate recommendations from multiple sources, including their legality, and prioritize the recommendations.

May 14, 2015

SB5 goes into effect. The Supreme Court worked with the legislature on this legislation, which places a cap on fines and fees and requires municipal divisions to notify the Supreme Court of their existence, along with other requirements. Before the law, no list existed of municipal divisions or their judges and staff. Through the Court's required reporting, over 600 municipal divisions have been identified, with over 2,000 judges and staff. Approximately 400 of these divisions operate independently, while approximately 200 operate in conjunction with associate circuit divisions.

August 2015

St. Louis County municipal judges, prosecutors, and court administrators meet, resulting in Fresh Start Initiative where judges in 81 municipalities in St. Louis County removed all pending driver license suspensions for failure to appear in court or pay for minor moving traffic violations, dismissed pending failure to appear cases for minor traffic violators, and recalled warrants for failure to appear on minor traffic violations.

August 15, 2015

Missouri Supreme Court issues letter to Municipal Divisions Work group outlining priorities.

September 22, 2015

The Court creates the Commission on Racial and Ethnic Fairness, with 6 subcommittees, including municipal, juvenile, criminal, civil, judicial and practice of law.

October 6, 2015

Supreme Court approves recommended changes to Rule 2-2.3 Bias, Prejudice and Harassment, effective 1/1/16.

November 10, 2015

Supreme Court approves new Jury Instruction in Criminal Cases on Eyewitness Identification and Testimony.

December 16, 2015

Supreme Court revises Court Operating Rule 14.01 "Assignment of Judicial Personnel" (effective July 1, 2016) that mandates that any case in family or juvenile court in which a juvenile officer is a party is not heard by the judge who appointed that officer.

March 3, 2016

Supreme Court approves new Court Operating Rules 21.06 and 21.07 governing municipal division debt collections to be effective July 1, 2016.

April 14, 2016

Supreme Court establishes a Municipal Clerk Education Committee to develop and conduct educational activities for municipal division clerks and other personnel of the municipal division.

May 17, 2016

Supreme Court creates Committee on Practice and Procedures in the Municipal Division to implement the recommendations as ordered by the Court.

May 31, 2016

Supreme Court approves a uniform model local court rule to determine indigency. The model rule simplifies the process of determining indigency in high-volume dockets and seeks information within the defendant's present knowledge to alleviate the need for continuances. Effective September 19, 2016 and corrected December 14, 2016.

August 2016

Supreme Court adopts new 37.04 "Supervision of Courts Hearing Ordinance Violations" and adopts "Minimum Operating Standards for Municipal Divisions of Missouri Courts" with regular reporting of compliance in January and July of each year, beginning in January 2017.

September 20, 2016

Supreme Court amends code of judicial conduct to prohibit a judge from hearing any case where the multiple roles of the judge and attorneys creates a conflict of interest.

October 2016

Supreme Court amends the annual attorney enrollment form seeking voluntary racial and ethnic data on the profession.

October 2016

Supreme Court approves the adoption of a Code of Conduct for Municipal Division Personnel, effective January 1, 2017.

November 16, 2016

"Track This Case" is launched and allows parties and the public to be notified electronically of activity in a particular case.

November 2016

Supreme Court adopts new comments to Juvenile Justice Standards Rule 110.01 which provide guidance and direction as to the legal mandates and ethical obligations for juvenile officers, and offer strategies for elevating practice and accountability in each juvenile office. Standards also mandates uniformity in practices.

December 23, 2016

Supreme Court establishes protocols for presiding circuit court judges to supervise the municipal divisions, which outline the sanctions for failure to comply – including reporting a judge to the Commission on Retirement, Removal and Discipline; transfer of cases to another municipal division; and cessation of court operations.

December 29, 2016

Supreme Court authorizes the hiring of clerk and attorney monitors to assist the St. Louis County presiding judge in monitor municipal divisions across the state.

March 2017

Supreme Court hosts 2017 National Consortium on Racial and Ethnic Fairness in the Courts Conference in St. Louis attended by representatives from court systems around the country, as well as local judges, attorneys and member of the public.

May 15-17, 2017

Supreme Court establishes a Commission on Civil Justice Reform to review the Conference of Chief Justices recommendations for civil justice reform to review all civil practices and procedures and to recommend measures to ensure the fair, affordable, and prompt resolution of civil disputes in the justice system and thereby enhancing public confidence in and meaningful access to the state court civil justice system.

June 28, 2017

Supreme Court approves a bench card for judges concerning "Lawful Enforcement of Legal Financial Obligations" detailing how courts and judges should deal with financial obligations of defendants.

June 30, 2017

Supreme Court establishes the a Task Force on Criminal Justice to ensure that Missouri criminal defendants are treated fairly and equitably, and to ensure that the determination and conditions of pretrial release are based on risks of failing to appear and dangerousness to crime victims, communities, or others, and not on race, gender, ethnicity, or economic conditions. The Task Force is charged with reviewing pretrial practices and making recommendations regarding private probation, the imposition and collection of fines, sentencing disputes, driver's license suspensions, and other collateral consequences.

June 30, 2017

# **RELEVANT ACTIONS BY THE MISSOURI LEGISLATURE, 2015-2018**

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SB5 goes into effect. The Supreme Court worked with the legislature on this legislation, which places a cap on fines and fees and requires municipal divisions to notify the Supreme Court of their existence, along with other requirements. Before the law, no list existed of municipal divisions or their judges and staff. Through the Court's required reporting, over 600 municipal divisions have been identified, with over 2,000 judges and staff. Approximately 400 of these divisions operate independently, while approximately 200 operate in conjunction with associate circuit divisions.

**August 2015**

SB 572 goes into effect. The law establishes certain regulations for penalties for municipal ordinance violations, including prohibiting a court from assessing a fine greater than \$200 and allowing a court to waive court costs if the individual is deemed indigent or the case is dismissed.

**August 2016**

SB 588, 603 and 942 will go into effect. The law expands the opportunities for criminal litigants to seek petitions for expungement of their criminal records for a certain set of convictions.

**January 1, 2018**

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**Supreme Court of Missouri**  
**Commission on Racial and Ethnic Fairness**  
**Additional Items Under Consideration**

**September 1, 2017**

This addendum contains other issues and/or recommendations being studied and considered by the various subcommittees. They have not been reviewed by the entire Commission but provide a glimpse of the work in progress.

**Civil Justice Issues**

- Devote special attention to high-volume civil dockets that are typically composed of cases involving consumer debt, landlord-tenant, and other contract claims.
- Limit the collection of time-barred (“zombie”) debt and possible redirection of the garnishment system at-large.
- Develop a Missouri Ombudsman program similar to those found in other states to assist individuals in accessing, understanding, and navigating the judicial system.

**Criminal Justice**

- Implement evidence-based sentencing based on best practices outlined in a Pew Study for the National Center for State Courts.
- Explore the new Section 610.140 expungement practices and applicability.
- Review the collateral consequences of convictions in Missouri and support court rules and legislation that endeavor to ameliorate the impact of collateral consequences that do not serve legitimate public safety or regulatory functions.
- Model legislation to establish a division court.

**Judicial Issues**

- Collect pertinent data including race and ethnicity of judicial personnel upon registration and enrollment and collection of race/ethnicity data of judiciary and court personnel, including municipal judges and municipal court personnel.
- Establish best practices for the selection of jury pools to insure compliance with due process, taking into account the varied demographics of the individual circuits.
- Survey each circuit’s practices re jury selection.

**Juvenile Justice Issues**

- Explore collaborations with school districts, restorative justice programs, and juvenile and family courts to deal with juveniles who present school disciplinary problems.
- Initial and ongoing training in implicit bias and cultural competency for juvenile and family court staff should be a requirement in addition to the already-approved training curriculum. Offer this training to law enforcement, school resource officers, and school personnel in the areas of school suspension, truancy prevention, and collaboration.

- Require evidentiary probable cause determinations in certification hearings.
- Incorporate proposed Miranda Warnings which can be easily understood by juveniles.
- Educate juveniles and their families regarding Informal Adjustment meeting, services and interventions that may be offered.
- Adopt rule which prohibits the admissibility of spontaneous statements and any statement of the juvenile made prior to Miranda warnings being given.
- Identify and implement strategies for improved information sharing between the courts and the juvenile justice and child welfare agencies.
- Recommend the creation of a juvenile privilege against self-incrimination, including an attorney present before police interrogations.
- Advise juveniles and parents that an admission is not required in an informal adjustment.
- Survey all deputy juvenile officers re juvenile representation.

### **Municipal Justice Issues**

- Explore avenues to expedite uniform technology and automation standards in municipal divisions.
- Provide legal counsel and translators in municipal divisions.
- Provide notice of rights and consequences to undocumented individuals in municipal divisions.
- Review use of arrest warrants to collect civil debts and assess racial and ethnic impact.
- Review use of cash bail/secured bonds in municipal divisions and assess racial and ethnic impact.
- Review underlying basis for drivers' license suspensions for relevance to public safety, and assess the racial and ethnic impact of suspensions.

### **Practice of Law Issues**

- Examine discipline and review bar passage rates for any trends on disproportionality that may imply bias.
- Continue growth and development of young attorneys including pipeline programs.
- Collect and analyze data in the following areas: demographic information by city as to number of minorities in private practice, large firms, government sector, etc. and information by geographic location; use professional satisfaction surveys for minority attorneys/profession as a whole.
- Create method to collect information on who argues cases to gauge progress in diversity of lawyers who lead cases.
- Recommend that the rules relating to bias, prejudice and harassment for lawyers and judges be amended and updated.

# COMMISSION ON RACIAL AND ETHNIC FAIRNESS: CONTRIBUTING TO MUNICIPAL CHANGE IN MISSOURI

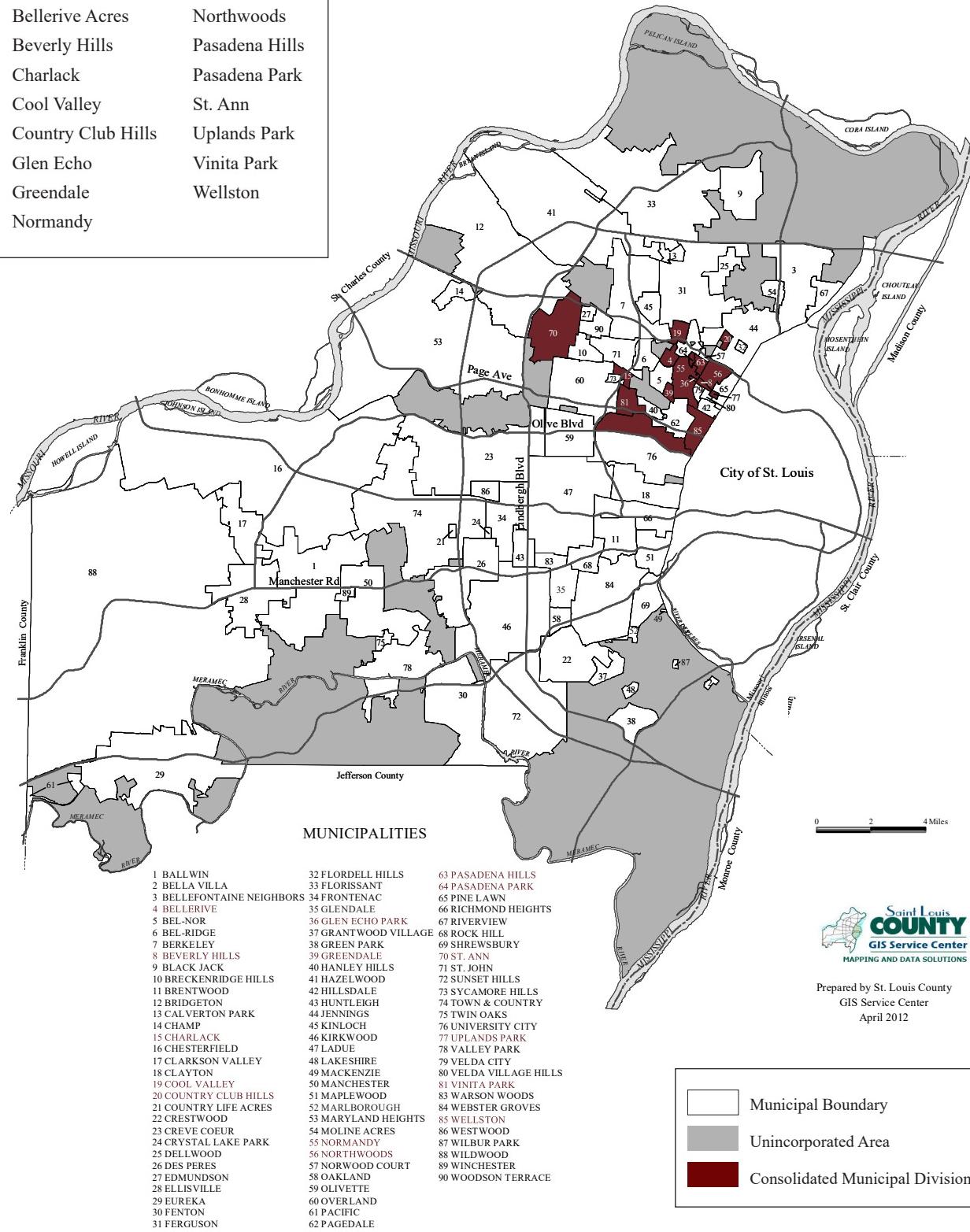
Missouri has approximately 600 municipal divisions (approximately 210 operate out of associate court divisions), many with unique governing structures that may differ from circuit to circuit. This has led to differing and sometimes inconsistent experiences in Missouri's municipal divisions, oftentimes resulting in confusion and concern about how Missouri's municipal divisions have operated.

To address these issues, the Missouri Supreme Court appointed the Municipal Working Group, which crafted 35 recommendations that were submitted on March 1, 2016, to the Supreme Court of Missouri. The Supreme Court took swift action to begin implementing these recommendations and adopted "Minimum Operating Standards for Municipal Divisions." Subsequent changes include:

- Improved accountability for the municipal divisions as a result of new operating standards and new requirements for monitoring and reporting by the circuit presiding judges to the Missouri Supreme Court.
- Heightened focus on separation of powers and elimination of conflicts of interest, including requiring court clerks to be independent of prosecutors, police departments, and city officials.
- Improvements to considerations of ability to pay to avoid arrest or undue financial burden upon someone with a minor fine or fee, regulations on warrants and incarcerations, and the provision of community service in lieu of financial payments.

- The consolidation of 15 Missouri municipal divisions in St. Louis County (9 in Normandy and 6 in St. Ann), streamlining staff and efficiency.

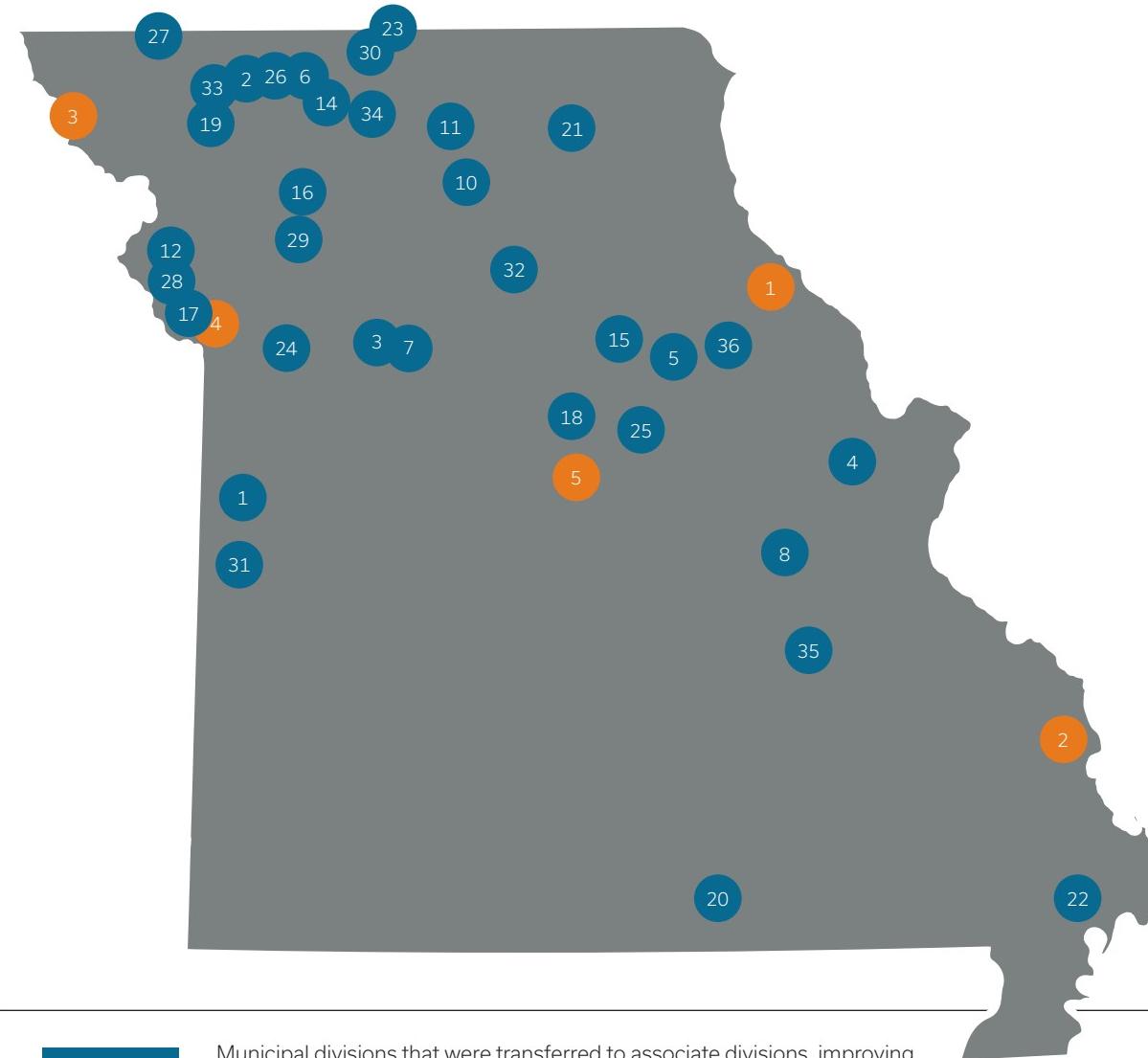
Bellerive Acres	Northwoods
Beverly Hills	Pasadena Hills
Charlack	Pasadena Park
Cool Valley	St. Ann
Country Club Hills	Uplands Park
Glen Echo	Vinita Park
Greendale	Wellston
Normandy	



St. Louis  
**COUNTY**  
GIS Service Center  
MAPPING AND DATA SOLUTIONS

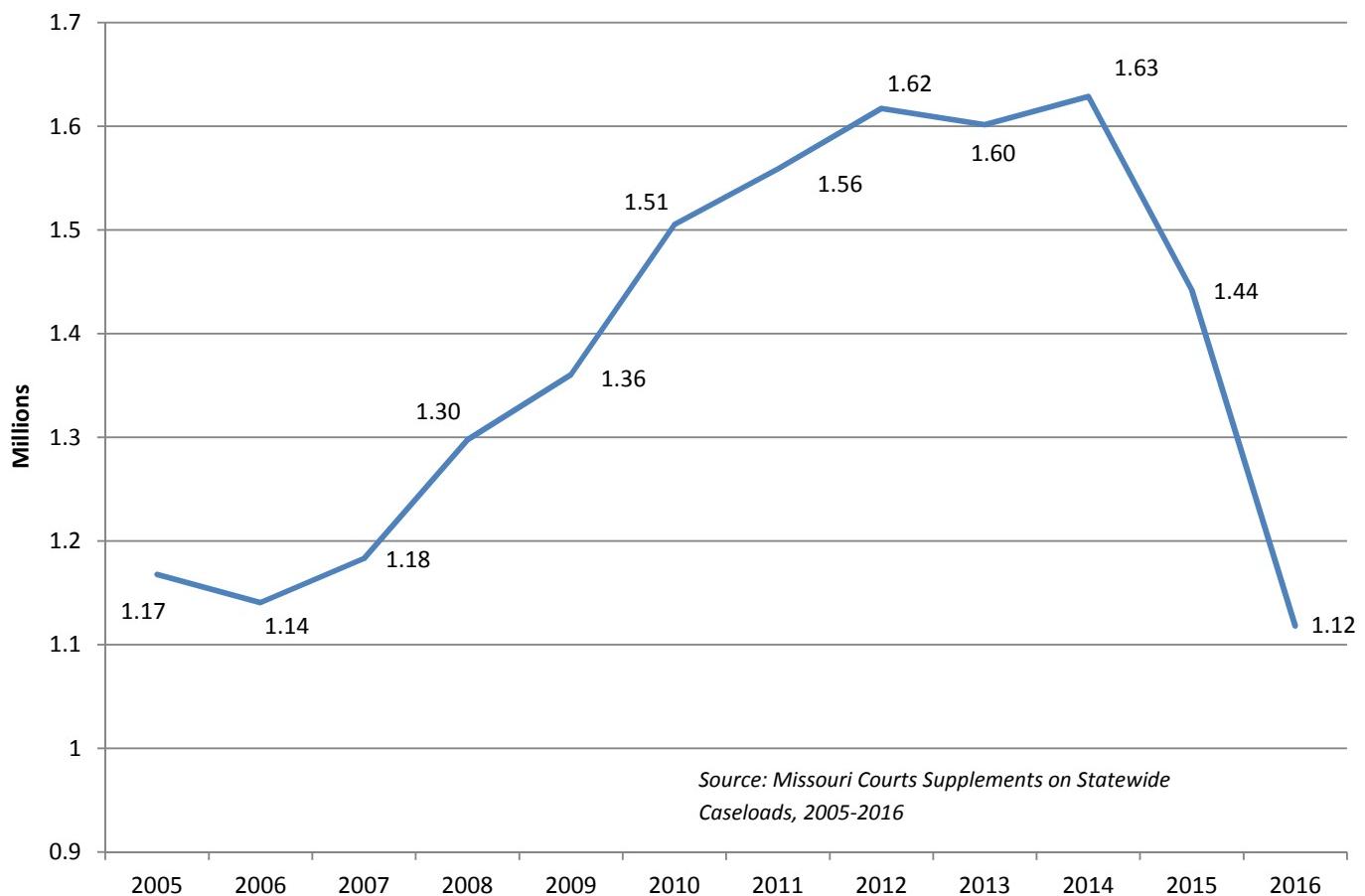
Prepared by St. Louis County  
GIS Service Center  
April 2012

- Transfer of 36 municipal divisions to associate circuit courts, improving efficiency, standardization of procedures, and accessibility and availability of court hours.
- Dissolution of 5 municipal divisions, eliminating inefficiencies and improving efficacy of court processes.

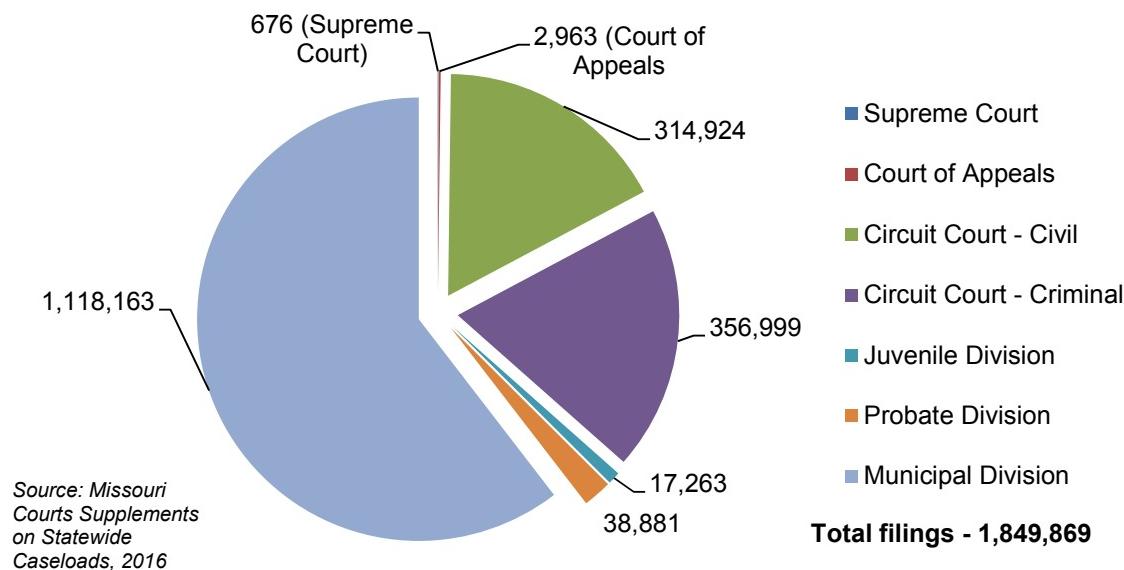


1. Adrian	13. Fair Play	25. New Bloomfield	1. Curryville
2. Albany	14. Gilman	26. New Hampton	2. Gordonville
3. Alma	15. Hallsville	27. Pickering	3. Village of Big Lake
4. Augusta	16. Hamilton	28. Platte City	4. Randolph
5. Auxvassse	17. Houston Lake	29. Polo	5. Russellville
6. Bethany	18. Jamestown	30. Princeton	
7. Blackburn	19. King City	31. Rich Hill	
8. Bourbon	20. Koshkonong	32. Salisbury	
9. Bowling Green	21. La Plata	33. Stanberry	
10. Brookfield	22. Lilbourn	34. Trenton	
11. Browning	23. Mercer	35. Viburnum	
12. Camden Point	24. Napoleon	36. Wellsville	

## Number of municipal court filings in Missouri (2005-2016)



## Number of total statewide court filings, 2016





# NATIONAL CONSORTIUM ON RACIAL AND ETHNIC FAIRNESS IN THE COURTS

GATEWAY TO JUSTICE:  
OUT OF THE FIRE AND INTO THE FUTURE



29TH ANNUAL CONFERENCE  
MAY 15-17, 2017  
ST. LOUIS, MISSOURI

# MONDAY, MAY 15, 2017

12:00 – 5:00 - **Registration** (Gateway Foyer)

1:00 – 3:00 - **Board Meeting** (Missouri)

3:00 - 5:00 - **Voices of Ferguson** (optional event, presented at Greater St. Mark Family Church, 9950 Glen Owen Drive, St. Louis Missouri) Program convened by Judge Judy P. Draper and Commissioner Anne-Marie Clarke

Moderator:

- Bernie Hayes, Print and Broadcast Journalist and Radio Personality

Panelists:

- Michael McMillian, President and CEO, Urban League of Metropolitan St. Louis.
- Reverend Tommie L. Pierson, Sr., Pastor of Greater St. Mark Family Church and former Representative from the 66th District of Missouri
- Adolphus M. Pruitt, II, President, St. Louis City Chapter of the NAACP
- Wesley Bell, Professor and Program Coordinator of Criminal Justice & Legal Studies, St. Louis Community College and Council Member Ward 3, Ferguson
- Monique Abby, Abby Law Firm

Please note: the Voices of Ferguson program at Greater St. Mark Family Church is open to the public and all are welcome to attend at no charge. Bus transportation is available with advance conference registration at a \$25 charge. Subject to space availability, bus transportation can be reserved at the conference registration desk at a \$35 charge. Buses will depart from the Marriott promptly at 2:45 pm.

6:00 – 8:30 - **Taste of St. Louis, Opening Reception, Missouri Court of Appeals** (815 Olive Street)

# TUESDAY, MAY 16, 2017

7:00 - 3:00 - **Registration** (Gateway Foyer)

7:00 – 8:20 - **Breakfast** (Statler)

7:00 – 8:30 - **Board Meeting** (Portland/Benton)

8:30 – 9:00 - **Opening Session** (Gateway AB)

Introduction:

- Michael A. Middleton, Deputy Chancellor Emeritus and Professor Emeritus of Law, and Co-Chair Missouri Commission on Racial & Ethnic

Fairness

Welcome:

- Chief Justice Patricia Breckenridge, Supreme Court of Missouri
- Chief Judge Anna Blackburne-Rigsby, D.C. Court of Appeals, Moderator/President National Consortium on Racial and Ethnic Fairness in the Courts

9:00 – 10:15 - **Gateway to Justice: Out of the Fire and into the Future – The Challenges Courts Face** (Gateway AB) - (1.5 MoCLE)

Moderator:

- Lisa Foster, Former Director, Office for Access to Justice, U.S. Department of Justice

Panelists:

- Chief Justice Patricia Breckenridge, Supreme Court of Missouri, Advisory Board Member, National Task Force on Fines, Fees, and Bail Practices
- David Dwight, Communication & Strategy Catalyst, Forward through Ferguson

- Jonathan Smith, Executive Director, Washington Lawyers' Committee for Civil Rights & Urban Affairs

10:15 – 10:25 - **Break** (Gateway Foyer)

10:25 – 11:40 - **Fines, Fees & Bail Practices: What Changes are Needed in Our Courts** (Gateway AB) - (1.5 MoCLE)

Moderator:

- Karen Tokarz, Director, Civil Rights & Community Justice Clinic and Professor, Washington University Law School, Advisory Board member, National Task Force on Fines, Fees, and Bail Practices

Panelists:

- Chief Justice Nathan Hecht, Texas Supreme Court, Advisory Board Member, National Task Force on Fines, Fees, and Bail Practices
- Rosalyn Frierson, Director, South Carolina Court Administration, Advisory Board Member, National Task Force on Fines, Fees, and Bail Practices
- Nusrat Choudhury, Senior Staff Counsel, ACLU Racial Justice Program

11:50 - 12:50 - **Lunch** (Statler)

Introduction:

- Bill Bay, Co-Chair Missouri Commission on Racial & Ethnic Fairness,  
Partner Thompson Coburn

Speaker:

- Paulette Brown, Immediate Past President, American Bar Association,  
Partner Locke Lord LLP

1:00 – 2:15 - **Option 1: Measuring Progress to Move Forward Towards Equity**  
(Gateway AB) - (1.5 MoCLE)

Moderator:

- Luz Henriquez, Director for the Education Justice Program, Legal Services  
of Eastern Missouri

Panelists:

- Jennifer LeBaron, New Jersey Juvenile Justice Commission
- Veronica Smith, Founder, data2insight

1:00 - 2:15 - **Option 2: Hot Topics: Race and Juvenile Justice** (Portland/Benton) -  
(1.5 MoCLE)

Moderator:

- Dana Tippin Cutler, President, The Missouri Bar

Panelists:

- Judge Jimmie Edwards, St. Louis City Circuit Court
- Marsha Levick, Legislative Director, Juvenile Law Center, Philadelphia, PA
- Hernan Carvente, Program Analyst, Youth Justice, Vera Institute of Justice

2:15 – 2:30 - **Break** (Gateway Foyer)

2:30 – 3:45 - **Hot Topics on Race and Ethnicity in the Jury Box – Cross Racial  
Witness Identification and Juror Language Disenfranchisement**  
(Gateway AB) - (1.5 MoCLE)

Moderator:

- Lajuana Counts, Assistant U.S. Attorney, Western District of Missouri

Panelists:

- Jules Epstein, Professor, Temple University Beasley School of Law  
(prerecorded presentation)
- Jasmine Gonzales Rose, Assistant Professor, University of Pittsburgh School  
of Law

3:45 – 5:00 - **Courts and the Media: The New News Cycle** (Gateway AB) -  
(1.5 MoCLE)

Moderator:

- Jesse Rutledge, VP for External Affairs, National Center for State Courts

Panelists:

- Don Champion, Correspondent, CBS News Newspath Dallas Bureau
- Farrah Fite, Media Relations Director, The Missouri Bar

5:30 – 7:30 - **Blues, Brews and BBQ**, Dinner Reception at Thompson Coburn  
(One US Bank Plaza)

8:00 – 10:00 - **Private Film screening, see page 13 for details!**

# WEDNESDAY, MAY 17, 2017

7:00 – 1:00 - **Registration** (Gateway Foyer)

7:00 – 8:20 - **Breakfast and State Reports** (Statler)

Presiding:

Chief Judge Anna Blackburne-Rigsby, (reports start at 7:30 am)

8:30 – 10:30 - **Lights, Camera, Cops and Courts: Living in the Age of Body Cameras** (Gateway AB) - (2.4 MoCLE)

Welcome:

- Honorable Lisa Hardwick, Missouri Court of Appeals, Western District

Program Introduction:

- Commissioner Anne-Marie Clarke, St. Louis Family Court

Speaker:

- Seth Stoughton, Assistant Professor, University of South Carolina School of Law

10:30 - 10:45 - **Break** (Gateway Foyer)

10:45 - 11:45 - **Structural Racism** (Gateway AB) - (1.2 MoCLE, including 1.2 Ethics)

Introduction:

- Crista Hogan, Executive Director, Springfield Metropiltan Bar Association

Speaker:

- john powell, Professor, University of California-Berkeley School of Law

12:00 – 1:10 - **Lunch (Statler)**

**Report of the Community Engagement in State Courts Initiative**

- Hon. Jimmie M. Edwards
- **Interview with Frankie Muse Freeman**
- Judge George Draper, Supreme Court of Missouri

1:20 – 2:20 - **Bias, Cultural Competence and the Court Process** (Gateway AB) -

(1.2 MoCLE, including 1.2 Ethics)

Introduction:

- Judge Judy Draper, St. Louis County Circuit Court

Speaker:

- Sujata Warrier, Training & Technical Assistant Director, Battered Women's Justice Project

2:20 – 2:30 - **Break** (Gateway Foyer)

2:30 – 4:45 - **Tribal Justice: Film Screening** (Gateway AB) - (0.9 MoCLE)

Introduction:

- Judge Donovan Foughty, North Dakota District Judge

Discussion:

- Chief Judge Claudette White, Quechan Tribal Court
- Jennifer Walter, Consultant

4:45 – 5:00 - **Concluding General Session** (Gateway AB)

